

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CASEY W CHRISTENSEN
Claimant

BALLARD COMMUNITY SCHOOL DISTRICT
Employer

APPEAL 20A-UI-10457-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/21/20
Claimant: Appellant (1)

Iowa Code § 96.4(5) – Reasonable Assurance

STATEMENT OF THE CASE:

On August 31, 2020, the claimant filed an appeal from the August 26, 2020, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on October 15, 2020. Claimant participated. Employer participated through human resource specialist Betty Wawers.

ISSUE:

Does the claimant have reasonable assurance of continued employment in the next school term or year?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on September 20, 2018. Claimant worked for employer as a substitute teacher throughout the duration of his employment. Claimant also coached wrestling and middle school baseball for the school district.

Claimant filed a claim for unemployment insurance benefits with an effective date of June 21, 2020. At the end of the 2019-2020 school year, claimant remained on employer's substitute list. The middle school baseball season was cancelled due to COVID 19, but employer still paid claimant the amount contracted.

On August 25, 2020, claimant asked employer to take him off the substitute list, as he obtained a full-time position with Madrid public schools.

Claimant does not have wages from any other employer in his base period.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant does have reasonable assurance of returning to work the following academic term or year.

Iowa Code § 96.4(5)a provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

5. Benefits based on service in employment in a nonprofit organization or government entity, defined in § 96.19, subsection 18, are payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the same basis of other service subject to this chapter, except that:

a. Benefits based on service in an instructional, research, or principal administrative capacity in an educational institution including service in or provided to or on behalf of an educational institution while in the employ of an educational service agency, a government entity, or a nonprofit organization shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or reasonable assurance that the individual will perform services in any such capacity for any educational institution for both such academic years or both such terms.

Iowa Admin. Code r. 871-24.51(6) provides:

School definitions.

(6) Reasonable assurance, as applicable to an employee of an educational institution, means a written, verbal, or implied agreement that the employee will perform services in the same or similar capacity, which is not substantially less in economic terms and conditions, during the ensuing academic year or term. It need not be a formal written contract. To constitute a reasonable assurance of reemployment for the ensuing academic year or term, an individual must be notified of such reemployment.

Iowa Admin. Code r. 871-24.52(6) provides:

Benefits which are denied to an individual that are based on services performed in an educational institution for periods between academic years or terms shall cause the denial of the use of such wage credits. However, if sufficient nonschool wage credits remain on the claim to qualify under Iowa Code § 96.4(4), the remaining wage credits may be used for benefit payments, if the individual is otherwise eligible.

Claimant remained on the substitute list throughout summer 2020 and was paid for the cancelled baseball season. Thus, he did have reasonable assurance of continued employment. Furthermore, claimant does not have sufficient wage credits remaining on the claim to qualify for benefits under Iowa Code § 96.4(4). Claimant is not eligible for benefits between academic years or terms.

DECISION:

The August 26, 2020, (reference 01) unemployment insurance decision is affirmed. The claimant did have reasonable assurance of returning to work the following academic year, and he is not eligible for benefits between academic terms. Benefits are denied effective June 21, 2020.



Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

October 16, 2020

Decision Dated and Mailed

cal/sam

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits, but were or are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.